

Notice of Allowability

Application No.

09/972,887

Examiner

Jennifer Kim

Applicant(s)

NAGASHIMA ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/6/2006.
2. ☒ The allowed claim(s) is/are 1,2,4,5,8,12-14,23,24,26-31,34,35 and 37-42 (renumbered as 1,2,3,4,5, 6-8,9,10,11-16,17,18, and 19-24 respectively).

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 6/6/2006

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.

7. ☐ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on June 6, 2006 has been entered.

Information Disclosure Statement

Acknowledgement is made of Applicant's Informational Disclosure Statement (IDS) filed on June 6, 2006.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The claims are allowable over the cited prior art because the prior art does not teach, disclose nor make obvious the claimed method for regulating autonomic nerve activity by increasing an ECG R-R interval in a person in need thereof, comprising administering by inhalation a composition comprising a sesquiterpene alcohol selected from the group consisting of cedrol, cedrenol, globulol and a mixture thereof to said person in an amount effective

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for regulating autonomic nerve activity, wherein said composition has no odor above a detectable threshold.

Applicant's Information Disclosure Statement (IDS) filed on June 6, 2006 has been carefully considered and it was determined that the references do not obviate the patentability of the instant invention.

The reference JP 09-020646 (1 page, English Language Abstract) teach a perfumery composition for bathing containing essential oil component comprising cedrene which is different in chemical moiety than claimed specific sesquiterpene alcohol. This reference do not teach the specific sesquiterpene alcohol for the claimed method of regulating autonomic nerve activity of increasing an ECF R-R interval in a person with no odor above a detectable threshold. Therefore, there is no teaching, suggestion from this reference to arrive at instant invention.

The reference JP 08-225437 (1 page, English Language Abstract) teach an incense stick capable of stably holding a light aromatic component of the incense for a long time comprising cedrol as having strong fragrance generation. This reference do not teach the specific method of regulating autonomic nerve activity of increasing an ECF R-R interval in a person with no odor above a detectable threshold. Therefore, there is no teaching, suggestion from this reference to arrive at instant invention.

The reference JP 61-33129 (2 page, English Language Abstract) teach a composition comprising sesquiterpene alcohol for external preparation capable of improving percutaneous absorption of a drug. This reference do not teach the specific sesquiterpene alcohol for the claimed method of regulating autonomic nerve activity of

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increasing an ECF R-R interval in a person with no odor above a detectable threshold for the inhalation administration. Therefore, there is no teaching, suggestion from this reference to arrive at instant invention.

The reference 10-036246 (2 page, English Language Abstract) teach a medicine capable of suppressing melanogenesis by containing cedrol as an active ingredient for external preparation for skin for suppressing melanogenesis for improving pigmentation, stain, freckles or sunburn. Accordingly, the method involving suppressing melanogenesis of this reference differ from claimed method of regulating autonomic nerve activity of increasing an ECF R-R interval in a person with no odor above a detectable threshold. Therefore, there is no teaching, suggestion from this reference to arrive at instant invention.

The reference JP 04-210602 (1 page, English Language Abstract) teach an insect-pest controlling agent free from irritant smell comprising cedrol. Accordingly, the method involving insect-pest controlling agent differ from the claimed method of regulating autonomic nerve activity of increasing an ECF R-R interval in a person. Therefore, there is no teaching, suggestion from this reference to arrive at instant invention.

The reference (Fragrance Journal, 1992, 1 page, English Abstract) teach that oil from the hiba tree has been found to have antimicrobial and antifungal activities having anti-stress action and they are sold in Japan as hiba oil-scented pillows for sedative purpose. This reference do not teach the specific sesquiterpene alcohol for the claimed method of regulating autonomic nerve activity of increasing an ECF R-R

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interval in a person with no odor above a detectable threshold. Therefore, there is no teaching, suggestion from this reference to arrive at instant invention.

Remarks

The above amendment places this case in condition for allowance.

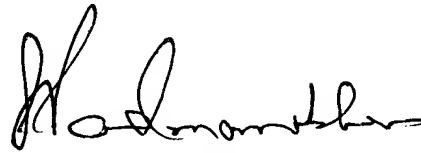
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Kim whose telephone number is 571-272-0628. The examiner can normally be reached on Monday through Friday 6:30 am to 3 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreenivasan Padmanabhan can be reached on 571-272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sreenivasan Padmanabhan
Supervisory Examiner
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Jmk
June 10, 2006